

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

United States of America,

Plaintiff,

No. 1:20-cr-00044-KJM-BAM

ORDER

Misael Garcia Carranza,

Defendant.

17 Defendant Misael Garcia Carranza pleaded guilty to one count of possessing fentanyl with
18 the intent to distribute in violation of 21 U.S.C. §§ 841 and 846. *See* Plea Agreement at 2, ECF
19 No. 94. The Probation Department prepared a presentence investigation report, which was
20 finalized without defense objections. *See generally* PSR, ECF No. 102; Probation Memo, ECF
21 No. 102-2. According to that report, defendant was previously convicted of entering the United
22 States without proper immigration documents. *See* PSR at 8–9. That conviction led to a total
23 criminal history score of one and a criminal history category of I. *See id.* at 9; Sentencing
24 Recommendation at 1, ECF No. 102-1. The district judge assigned to the case at that time
25 imposed a sentence of 168 months’ incarceration, the low end of the Guideline range, followed by
26 a 36-month term of supervised release. *See* Judgment & Commitment, ECF No. 109.

27 Defendant now moves pro se for a reduction in his sentence under 18 U.S.C. § 3582(c)(2)
28 and the retroactive effect of Amendment 821 to the Sentencing Guidelines. *See* U.S.S.G.

1 § 4C1.1(a) (Nov. 1, 2023); Mot., ECF No. 87. The court referred the matter to the Federal
2 Defender’s Office and set a briefing schedule under General Order 670. *See* Min. Order, ECF
3 No. 124. The Federal Defender’s Office did not assume representation. The government opposes
4 the motion. *See generally* Opp’n, ECF No. 127.

Section 4C1.1(a) provides for a reduction in the offense levels of defendants who meet several criteria, including that “the defendant did not receive any criminal history points from Chapter Four, Part A.” U.S.S.G. § 4C1.1(a)(1). Defendant received one criminal history point. See PSR at 8–9. For that reason, he is not eligible for a retroactive reduction under 18 U.S.C. § 3582(c)(2), and his motion is **denied**. See *Dillon v. United States*, 560 U.S. 817, 827 (2010).

10 This order resolves ECF No. 123.

11 | IT IS SO ORDERED.

12 | DATED: May 30, 2024.



CHIEF UNITED STATES DISTRICT JUDGE